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Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claims 1, 3, 5, 7-9 are amended above. Claim 2 is cancelled. Applicant respectfully requests reconsideration of this application.

Applicant respectfully submits that the pending claims are allowable over the *Skemer, et al.* reference applied under 35 U.S.C. §102(e) in the most recent Office Action. Claim 1 now incorporates the subject matter previously presented in claim 2. Independent claim 7 has corresponding limitations. When rejecting claim 2, the Examiner contended that the *Skemer, et al.* reference taught the subject matter of claim 2 at column 8, lines 60-62, and column 10, lines 31-34. Applicant respectfully disagrees. The only statement made in column 8, lines 60-62 of the *Skemer, et al.* reference is that the beginning of a time slot is used for real time data that is waiting and remaining space is used for non-real time data. That does not teach altering fragmentation according to a most restrictive fragmentation requirement as recited in Applicant's claims. In column 10, lines 31-34, the *Skemer, et al.* reference is referring to per-call management based upon CDC. The CDC (call density coefficient) is described at lines 9-16 of column 10. It is not the same thing as a most restrictive fragmentation requirement or the use of it as recited in Applicant's claims.

In column 12, lines 43-50, the *Skemer, et al.* reference teaches a different technique. As described there, *Skemer, et al.* teaches that the "real-time launch window 51 is able to slide to accommodate packets that are larger than the current launch window size." Changing a launch window size is not the same thing as using a fragmentation requirement to determine one that is

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most restrictive and altering fragmentation based upon the most restrictive fragmentation requirement as recited in Applicant's claims.

There is no anticipation. Applicant respectfully submits that this claim is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

David J. Gaskey
Registration No. 37,139
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 09/699,770 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on January 31, 2006.


Theresa M. Palmatier

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